

# HOUSE JOURNAL

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SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-SIXTH DAY (CONTINUED) — SATURDAY, MAY 5, 2001

The house met at 8:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 310).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Flores; Hilbert; Martinez Fischer; Salinas.

The invocation was offered by Minister Bob Mullen, Westworth Church of Christ, Westworth Village, as follows:

Dear God, we give you thanks for this day, May 5, 2001. We praise you as the great lawgiver and the giver of great grace. We extol your name and thank you for your blessing on our great State of Texas.

We pray that you would look upon this house with your favor. We ask that you guide each member of the house, each person on their staff, and all who work to help establish state law. We pray for your wisdom to work in these halls, and that the laws made in this place would bless and benefit all Texans.

We pray that you would extend your forgiveness to us where we have violated your law. We pray that your gracious spirit would guide each of us this day to a closer communion with you and a closer fellowship, one with another.

On this Cinco de Mayo, we thank you for those of Mexican descent who live and work in our great state. We pray that you would bring together all Texans in a spirit of love and unity, be they of Hispanic, African, Asian, or European descent.

We thank you, God, for protecting our great state, and ask that you bless the proceedings of the day, I pray in the name of Jesus. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

Martinez Fischer on motion of J. Moreno.

The following member was granted leave of absence for today because of important business in the district:

Flores on motion of Gutierrez.

The following member was granted leave of absence for today because of illness:

Hilbert on motion of Haggerty.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 46).

### **HR 919 - ADOPTED (by Goodman)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 919**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 919**, Congratulating Joshua D. Stewart of Arlington.

**HR 919** was adopted without objection.

(Speaker Pro Tempore in the chair)

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 566** (by Chisum), Honoring Gray County on its 100th anniversary.

**HR 572** was withdrawn.

**HR 593** (by Chavez), Honoring Jetta E. Roberts of El Paso for her community service.

**HR 594** (by Gallego), Honoring the sister city union of Eagle Pass, Texas, and Piedras Negras, Coahuila, Mexico.

**HR 599** (by G. Lewis), Honoring the Tarrant County District 95 spelling bee winners.

**HR 600** (by Hodge), Honoring Green Williams for receiving a 2001 Outstanding Texan Award from the Texas Legislative Black Caucus.

**HR 601** (by Hodge), Honoring Dianne Gibson of Dallas on her receipt of an Outstanding Texan Award in the area of community service from the Texas Legislative Black Caucus.

**HR 602** (by Hodge), Congratulating Anthony Mark Hankins of Dallas on his receipt of an Outstanding Texan Award in the area of business from the Texas Legislative Black Caucus.

**HR 603** (by Hodge), Honoring Cleo Sims of Dallas for receiving an Outstanding Texan Award from the Texas Legislative Black Caucus.

**HR 604** (by Hodge), Honoring Halice Furtado of Dallas for receiving an Outstanding Texan Award in the area of education from the Texas Legislative Black Caucus.

**HR 609** was withdrawn.

**HR 611** (by Hodge), Honoring Kathy L. Nealy for receiving a 2001 Outstanding Texan Award from the Texas Legislative Black Caucus.

**HR 616** (by Noriega), Honoring members of the Milby High School Student Council for their valuable efforts in enrolling families in the Children's Health Insurance Program.

**HR 618** (by Talton), Commemorating the 53rd anniversary of the naming of the battleship Texas as the flagship of the Texas Navy.

**HR 623** (by Green), Recognizing May 2001 as Armed Forces and Veteran Appreciation Month in the State of Texas.

**HR 630** (by Giddings), Honoring Margaret H. Jordan on her receipt of an Outstanding Texan Award in the area of business from the Texas Legislative Black Caucus.

**HR 631** (by Giddings), Honoring Bernestine Singley of Duncanville on her receipt of an award from the Texas Legislative Black Caucus.

**HR 632** (by Giddings), Congratulating the Honorable Samuel W. Hudson III on receiving an Outstanding Texan Award in the area of public service from the Texas Legislative Black Caucus.

**HR 633** (by Giddings), Congratulating Marjorie E. Ford for receiving an Outstanding Texan Award in the area of entertainment/media from the Texas Legislative Black Caucus.

**HR 634** (by Giddings), Honoring Dr. Franklyn G. Jenifer on his receipt of an Outstanding Texan Award for his contributions in the field of education from the Texas Legislative Black Caucus.

**HR 636** (by Uher), Honoring Ogden Bass of Brazoria County for his valuable professional and civic service.

**HR 654** (by Hope), Honoring the Cut-N-Shoot Harley Owner's Group for their many civic contributions.

**HR 656** (by Flores), Honoring Esther M. Jimenez for her many civic contributions.

**HR 659** (by Hinojosa and Gutierrez), Honoring Samuel Bernabe of the Rio Grande Valley as the 2001 Migrant Student of the Year.

**HR 663** (by Craddick), Congratulating Bill and Leila Seal of Midland on their 50th wedding anniversary.

**HR 794** (by Williams), Honoring Jamie Lockyer for winning the bronze medal at the 2001 Special Olympics Southeast Region Tennis Championships.

**HR 801** (by Giddings), Welcoming the students of the Academy of Travel and Tourism from Thomas Jefferson High School in Dallas to the State Capitol on April 19, 2001.

**HR 838** was previously adopted.

**HR 839** was previously adopted.

**HR 875** was previously adopted.

**HR 886** (by Kitchen), Congratulating the Austin Babbist Women troupe on its 15th anniversary.

**HCR 177** (by Eiland), Designating March 2001 as Dolphin Awareness Month and commending the work of the Texas Marine Mammal Stranding Network.

**HCR 200** (by Goodman and Gray), Commending the Texas Legislative Council for its excellent work on the revised Texas Penal Code, recently selected as the best-written penal code in the United States.

**HCR 209** (by Noriega, Hunter, Counts, Najera, and Clark), Honoring the 49th Armored Division of the Texas National Guard for its impressive peacekeeping efforts in Bosnia.

**HCR 227** (by G. Lewis), Commending Tarrant County Judge Tom Vandergriff on his exemplary public service.

**HCR 236** (by Dutton), Honoring Shelton Smith of Houston for his professional contributions.

The resolutions were adopted without objection.

The following memorial resolutions were laid before the house:

**HR 700** (by Cook), In memory of Dr. Raymond R. Thomas of Eagle Lake.

**HR 729** (by Uresti), In memory of David Aaron Kaufman of San Antonio.

**HR 746** (by Brimer), In memory of Gerald A. Hubener of Duncanville.

**HR 749** (by Noriega), In memory of Engilberto Javier Ramos of Houston.

**HR 752** (by West), In memory of Alton Lewis Richardson of Odessa.

**HR 777** (by Chavez), In memory of Joseph Sterling Barnes of El Paso.

**HR 785** (by West), In memory of Charles E. Warnock of Odessa.

**HR 790** (by McClendon, Menendez, Uresti, Martinez Fischer, et al.), In memory of Officer Hector Garza of San Antonio.

**HR 793** (by T. King), Honoring the memory of Mary Nan West of San Antonio and Zavala County.

**HR 799** (by Geren), In memory of Harold Richard "Rusty" Bost of Boyd.

**HR 817** (by Gallego), In memory of JD Holman of Alpine.

**HR 818** (by Gallego), In memory of Holly Hollingsworth Ziler of Dell City.

**HR 819** (by Gallego), In memory of Rex Ivey of Alpine.

**HCR 255** (by Talton), In memory of Tillman Bascome McHenry, Sr., of Deer Park.

The resolutions were unanimously adopted by a rising vote.

### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

**HB 71** (by Pitts), A bill to be entitled An Act relating to the regulation of certain water well pump installers.

**HB 78** (by Gallego), A bill to be entitled An Act relating to the assignment of the judge of the 394th District Court as a visiting judge.

**CSHB 83** (by Gallego), A bill to be entitled An Act relating to property, facilities, and equipment of the Big Bend Regional Hospital District.

**CSHB 99** (by Maxey), A bill to be entitled An Act relating to the use of certain electronic media by the Texas State Board of Pharmacy and persons or entities regulated by that board.

**HB 123** (by West), A bill to be entitled An Act relating to a requirement that inmates of the Texas Department of Criminal Justice participate in educational programs.

**CSHB 170** (by Christian), A bill to be entitled An Act relating to the Nacogdoches County Hospital District.

**HB 280** (by Christian, Driver, Clark, Berman, Brimer, et al.), A bill to be entitled An Act relating to the efficient use of police service animals.

**HB 374** (by Wohlgemuth), A bill to be entitled An Act relating to the assessment of court costs for certain offenses to finance child health and safety programs in municipalities.

**CSHB 393** (by Maxey and Kitchen), A bill to be entitled An Act relating to certain nonprofit entities that provide health or long-term care or health benefit plans; providing a penalty.

**CSHB 398** (by Smith), A bill to be entitled An Act relating to disclosure of medical billing records regarding a patient.

**HB 412** (by Zbranek), A bill to be entitled An Act relating to an extension to file a request to maintain service area certification by a municipally owned utility.

**HB 434** (by Heflin), A bill to be entitled An Act relating to the procedures for handling certain defendants acquitted of an offense by reason of insanity.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
(consideration continued)**

**HB 451** (by Talton), A bill to be entitled An Act relating to an employee of a personal bond office administering oaths to or taking an acknowledgment or proof of a written instrument from personal bond applicants.

**CSHB 456** (by Maxey), A bill to be entitled An Act relating to exemption from nursing license requirements for certain services provided to persons with disabilities.

**HB 485** (by Craddick), A bill to be entitled An Act relating to the composition of the 83rd Judicial District and to the election of the district attorney for that district.

**HB 497** (by Chisum), A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 31st Judicial District.

**HB 553** (by Mowery), A bill to be entitled An Act relating to the admissibility in a criminal proceeding of a statement made as a result of certain custodial interrogations and obtained in compliance with the laws of another state or the United States.

**CSHB 567** (by Deshotel and Dukes), A bill to be entitled An Act relating to computation of the maximum and minimum benefit amounts for total unemployment under the unemployment compensation system. (Corte and Heflin recorded voting no)

**CSHB 609** (by Hochberg), A bill to be entitled An Act relating to internal auditing of state agencies.

**HB 627** (by Hilderbran), A bill to be entitled An Act relating to sale of wine by certain holders of a winery permit.

**HB 916** was withdrawn.

**HB 931** (by Solis), A bill to be entitled An Act relating to a coordinated economic development plan for the state.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Solis offered the following committee amendment to **HB 931**:

Amend **HB 931**, on page 2, line 8, by striking "shall" and substituting "may".

Amendment No. 1 was adopted without objection.

**CSHB 932** (by Solis), A bill to be entitled An Act relating to requiring information from the comptroller about state and local activities relating to economic development.

**HB 1080** (by McReynolds), A bill to be entitled An Act relating to insurance requirements to limit the liability of an owner, lessee, or occupant of agricultural land for damages arising from a certified prescribed burn on that land.

**HB 1088** (by Grusendorf), A bill to be entitled An Act relating to the placement in an alternative education program or expulsion of a public school student who makes a false alarm or report or a terroristic threat.

**CSHB 1191** (by Williams), A bill to be entitled An Act relating to the authority of the commissioners court of a county to alter speed limits on county roads.

**CSHB 1214** (by Pitts), A bill to be entitled An Act relating to the regulation of certain occupations by, and other powers and duties of, the Texas Department of Licensing and Regulation.

**CSHB 1309** (by Villarreal), A bill to be entitled An Act relating to requirements applicable to child-care workers who receive scholarships funded by the federal Child Care Development Fund.

**HB 1316** (by Farabee), A bill to be entitled An Act relating to the consideration of a trust as property liable for the support of clients at mental health community centers or patients at state hospitals. (Corte, Heflin, and Shields recorded voting no)

**CSHB 1387** (by Dukes), A bill to be entitled An Act relating to the application of the higher education uniform admission policy to graduates of certain special high school programs.

**HB 1388** (by J. Moreno), A bill to be entitled An Act relating to the civil service status of fire fighters in certain cities.

**HB 1394** (by Berman), A bill to be entitled An Act relating to the creation of municipal courts of record in Bullard.

**CSHB 1408** (by Junell), A bill to be entitled An Act relating to the refund of unearned premiums by an insurer.

**CSHB 1415** (by Farrar and Grusendorf), A bill to be entitled An Act relating to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication.

**HB 1426** (by Shields), A bill to be entitled An Act relating to the repeal of an obsolete provision authorizing a temporary reduction of the royalty rate on gas produced from certain state land.

**HB 1453** was withdrawn.

**CSHB 1495** (by Farabee), A bill to be entitled An Act relating to the transfer of tax credits among members of the Life, Accident, Health and Hospital Service Insurance Guaranty Association.

**CSHB 1497** (by Farabee), A bill to be entitled An Act relating to the provision of mental health and mental retardation services.

**HB 1498** was withdrawn.

**HB 1524** (by Wilson), A bill to be entitled An Act relating to the regulation of industrial alcohol.

**HB 1554** (by A. Reyna, Menendez, and Villarreal), A bill to be entitled An Act relating to the punishment of the offense of assault.

**SB 926** (Madden, McCall, and Denny - House Sponsors), in lieu of **HB 1595**, A bill to be entitled An Act relating to the abolition of the Collin County Water Authority.

Representative Madden moved to lay **HB 1595** on the table subject to call.

The motion prevailed without objection.

**HB 1611** (by Kolkhorst), A bill to be entitled An Act relating to the authority of certain municipalities to collect a penalty for the failure of a contractor or subcontractor to pay the prevailing wage rate. (Corte, Heflin, and Shields recorded voting no)

**CSHB 1612** (by Goolsby), A bill to be entitled An Act relating to permitted forms of payment for permit application fees.

**HB 1613** (by Goolsby), A bill to be entitled An Act relating to records retention requirements for certain manufacturers and distributors of alcoholic beverages.

**HB 1614** (by Wise), A bill to be entitled An Act relating to requirements for the issuance of a food and beverage certificate to certain alcoholic beverage permit or license holders.

**CSHB 1653** (by Williams), A bill to be entitled An Act relating to the designation of part of State Highway 90 as the Judge Starling Dean Memorial Highway.

**HB 1708** (by Keffer), A bill to be entitled An Act relating to contribution rates for cotton ginnings for unemployment compensation purposes.

**CSHB 1712** (by Maxey and Wilson), A bill to be entitled An Act relating to online public access to certain information regarding attorneys.

**SB 692** (Uresti - House Sponsor), in lieu of **HB 1717**, A bill to be entitled An Act relating to the evaluation and approval of continuing education courses for occupational therapists.

Representative Uresti moved to lay **HB 1717** on the table subject to call.

The motion prevailed without objection.

**CSHB 1727** (by Maxey), A bill to be entitled An Act relating to the method of delivery of a copy of a proposed local or special law to certain local governments.

**HB 1732** was withdrawn.

**HB 1757** (by Gutierrez), A bill to be entitled An Act relating to payment of unemployment compensation tax contributions by certain employers engaged in agriculture.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Yarbrough, Representative Gutierrez offered the following committee amendment to **HB 1757**:

Amend Sec. 204.007 SPECIAL RATE; CERTAIN EMPLOYERS ENGAGED IN AGRICULTURE



(1) Change Number 0723 to Number 115114

(2) Change Number 0724 to Number 115111

These changes will conform with **HB 1104** which changes the existing Standard Industrial Classifications to the North American Industrial Classification System. The NAICS is the new federal classification in use.

Amendment No. 1 was adopted without objection.

**HB 1813** (by Wohlgemuth), A bill to be entitled An Act relating to the creation of the offense of theft by a caretaker.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hinojosa, Representative Wohlgemuth offered the following committee amendment to **HB 1813**:

Amend **HB 1813** as follows:

(1) Strike SECTION 1 of the bill and substitute the following:

SECTION 1. Section 31.01, Penal Code, is amended by adding Subdivisions (10) and (11) to read as follows:

(10) "Caretaker" means a person who:

(A) is a guardian;

(B) is a representative payee;

(C) is an attorney in fact or agent, regardless of whether the person is appointed under a durable power of attorney as provided by Chapter XII, Texas Probate Code; or

(D) has assumed responsibility for managing the property of or providing care for an elderly or disabled person.

(11) "Disabled person" and "elderly person" have the meanings assigned by Section 48.002, Human Resources Code.

(2) On page 1, lines 11-12, strike "disabled individual or an elderly individual" and substitute "disabled or elderly person".

(3) On page 1, lines 13-14, strike "disabled individual or elderly individual" and substitute "disabled or elderly person without the disabled or elderly person's informed consent".

**Amendment No. 2**

Representative Wohlgemuth offered the following amendment to Amendment No. 1:

Amend COMMITTEE AMENDMENT NO. 1 to **HB 1813** by striking the text of the amendment and substituting the following:

Amend **HB 1813** by striking SECTIONS 1 and 2, substituting the following, and renumbering the existing SECTIONS accordingly:

SECTION 1. Section 32.45(a)(1), Penal Code, is amended to read as follows:

(1) "Fiduciary" includes:

(A) a trustee, guardian, administrator, executor, conservator, and receiver;

(B) an attorney in fact or agent appointed under a durable power of attorney as provided by Chapter XII, Texas Probate Code;

(C) any other person acting in a fiduciary capacity, but not

a commercial bailee unless the commercial bailee is a party in a motor fuel sales agreement with a distributor or supplier, as those terms are defined by Section 153.001, Tax Code; and

(D) [(C)] an officer, manager, employee, or agent carrying on fiduciary functions on behalf of a fiduciary.

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**HB 1845** (by Oliveira), A bill to be entitled An Act relating to simplified sales and use tax administration. (Corte recorded voting no)

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Oliveira, Representative Solis offered the following committee amendment to **HB 1845**:

Amend **HB 1845** as follows: Beginning on page 2, line 15, strike Section 142.005, Tax Code, as added by the bill, and substitute the following:

Sec. 142.005. AUTHORITY TO ENTER INTO AGREEMENT. (a) The comptroller is authorized and directed to participate in the development of the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In the development of the agreement, the comptroller may act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

(b) The comptroller or the comptroller's designee may represent this state before the other states that are signatories to the agreement.

Amendment No. 1 was adopted without objection.

**HB 1925** (by Haggerty), A bill to be entitled An Act relating to the creation of an offense prohibiting certain weapons within 1,000 feet of a place of execution.

**Amendment No. 1**

Representative Haggerty offered the following amendment to **HB 1925**:

Amend **HB 1925** as follows:

(1) On page 2, line 4, between "Procedure" and the period, insert ", on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited".

(2) Insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION   . Section 46.03, Penal Code, is amended by adding Subsection (i) to read as follows:

(i) It is an exception to the application of Subsection (a)(6) that the actor possessed a firearm:

- (1) while in a vehicle being driven on a public road; or
- (2) at the actor's residence or place of employment.

Amendment No. 1 was adopted without objection.

**HB 1940** (by Bonnen), A bill to be entitled An Act relating to the proration of the taxes imposed on a residence homestead in a year in which a residence homestead exemption for an elderly person terminates.

**HB 1955** (by Zbranek), A bill to be entitled An Act relating to the discharge from jail of a misdemeanor who is jailed to satisfy fines and costs.

**HB 1972** (by Hawley), A bill to be entitled An Act relating to the election dates for directors of the Bee Groundwater Conservation District.

**HB 1982** was withdrawn.

**CSHB 1996** (by Chavez, J. Moreno, Haggerty, Pickett, and Najera), A bill to be entitled An Act relating to the designation of a segment of Loop 375 in El Paso County as the Cesar Chavez Border Highway.

**CSHB 2004** (by Maxey), A bill to be entitled An Act relating to the medication a patient receives after being furloughed or discharged from inpatient mental health services.

**HB 2010** (by Uresti, Solis, and E. Reyna), A bill to be entitled An Act relating to the availability of deferred adjudication to a defendant charged with delivering certain controlled substances or marihuana to a minor.

**HB 2028** (by Yarbrough), A bill to be entitled An Act relating to the enforcement of a lien by the Texas Workforce Commission for unpaid wages or penalties.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Solis, Representative Yarbrough offered the following committee amendment to **HB 2028**:

Amend **HB 2028** as follows:

on p.1 line 9 strike "including" and replace with "with the exception of".

Amendment No. 1 was adopted without objection.

**HB 2045** (by Williams), A bill to be entitled An Act relating to the disposition of impact fees by municipal utility districts.

**CSHB 2046** (by Hawley), A bill to be entitled An Act relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Refugio Groundwater Conservation District.

**CSHB 2061** (by Wilson, Burnam, et al.), A bill to be entitled An Act relating to establishing a historical representation advisory committee. (Corte, Heflin, and Shields recorded voting no)

**CSSB 1202** (Gallego - House Sponsor), in lieu of **HB 2085**, A bill to be entitled An Act relating to the limits on compensation paid by the state to certain victims of crime.

Representative Gallego moved to lay **HB 2085** on the table subject to call.

The motion prevailed without objection.

**CSHB 2122** (by Tillery), A bill to be entitled An Act relating to the administration of a statewide retirement system for volunteer firefighters and other emergency services personnel.

**HB 2143** (by Delisi and Berman), A bill to be entitled An Act relating to tuition charges by school districts for certain military dependents.

**CSHB 2156** (by Danburg), A bill to be entitled An Act relating to certain utility customer discounts.

**CSHB 2178** (by Salinas), A bill to be entitled An Act relating to the expansion of information about certain chemical dependency diagnoses in certain medical records.

**CSHB 2204** (by Gutierrez, Maxey, Kitchen, and Villarreal), A bill to be entitled An Act relating to the safety of bicyclists and pedestrians; providing criminal penalties.

#### **Amendment No. 1**

Representative Gutierrez offered the following amendment to **HB 2204**:

Amend **HB 2204**, (House Committee Printing) by striking SECTION 1, SECTION 4, and SECTION 8 of the bill and renumbering subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

**SB 1264** (Farabee and Hawley - House Sponsors), in lieu of **HB 2210**, A bill to be entitled An Act relating to the scope of practice of a physician assistant acting in a delegated practice.

Representative Farabee moved to lay **HB 2210** on the table subject to call.

The motion prevailed without objection.

**SB 732** (Farabee - House Sponsor), in lieu of **HB 2212**, A bill to be entitled An Act relating to the certification of certain revenue received by a county after the fiscal year begins.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Chisum offered the following committee amendment to **SB 732**:

**SB 732** is amended by adding a new Section \_\_\_\_ to read as follows:

SECTION \_\_\_\_\_. Subchapter D, Chapter 111, Local Government Code, is amended by adding a new Section 111.095 to read as follows:

Section 111.095. SPECIAL FUNDS. (a) This section shall apply to all funds maintained and controlled by a county officer that are not included in the county budget.

(b) At least 60 days before the first day of the county's fiscal year, the officer shall prepare a budget for the expenditure of the funds during that fiscal year and file a copy of that budget with the county budget officer. The

county budget officer shall make a copy of the budget filed with the budget officer available to the public at all reasonable times. The budget filed with the county budget officer is not subject to approval by the commissioners court of the county, but any member of the public is entitled to speak for or against the budget during the county's budget process. Funds in the accounts under this section may be spent only in compliance with:

(1) the budget filed with the county budget officer under this subsection; and

(2) Subchapter C, Chapter 262, Local Government Code.

(c) Funds in the accounts under this section may not be used to supplement the salary or cover the personal expenses of the county officer.

(d) The provisions of this section are cumulative with the provisions of other statutes pertaining to county funds.

Amendment No. 1 was adopted without objection.

Representative Farabee moved to lay **HB 2212** on the table subject to call.

The motion prevailed without objection.

**CSHB 2222** (by J. Jones and J. Davis), A bill to be entitled An Act relating to the prosecution and punishment of injury to a child, elderly individual, or disabled individual.

**HB 2233** was withdrawn.

**CSHB 2263** (by Danburg), A bill to be entitled An Act relating to a guide for historical markers along roadways in this state.

**CSHB 2265** (by Villarreal), A bill to be entitled An Act relating to the funding of child care subsidies by the Texas Workforce Commission.

**CSHB 2270** (by Bailey), A bill to be entitled An Act relating to the jurisdiction of municipal courts of record over health and safety and nuisance abatement ordinances.

**CSHB 2287** (by Edwards), A bill to be entitled An Act relating to the authority of a hospital to share with certain attending physicians reimbursements for services provided to patients under the medical assistance program.

(Cook in the chair)

**HB 2318** was withdrawn.

**HB 2321** was withdrawn.

**HB 2334** (by Zbranek, McReynolds, Ritter, and Ellis), A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 69 as the Big Thicket National Preserve Parkway.

**SB 1583** (Hinojosa - House Sponsor), in lieu of **HB 2350**, A bill to be entitled An Act relating to reports submitted to the Commission on Law Enforcement Officer Standards and Education.

Representative Talton moved to lay **HB 2350** on the table subject to call.

The motion prevailed without objection.

**HB 2367** (by Williams), A bill to be entitled An Act relating to the liability of certain nonprofit organizations and their employees and volunteers.

(Speaker pro tempore in the chair)

**HB 2379** (by Junell), A bill to be entitled An Act relating to the authority of certain development corporations to undertake water supply or conservation projects.

**CSHB 2403** (by R. Lewis), A bill to be entitled An Act relating to reporting requirements regarding certain clothes-washing machines. (Heflin recorded voting no)

**CSHB 2404** (by R. Lewis), A bill to be entitled An Act relating to the submetering and allocation of water service in apartment houses, manufactured home rental communities, condominiums, and other multiple use facilities.

**HB 2405** (by Gray and Seaman), A bill to be entitled An Act relating to regulating mass gatherings on public beaches in coastal counties; providing a penalty.

**CSHB 2408** (by Maxey), A bill to be entitled An Act relating to a study by the Health Professions Council relating to the complaint procedures of certain health care regulatory entities.

**CSHB 2413** (by Ritter), A bill to be entitled An Act relating to the tax on cigarettes, cigars, and other tobacco products.

**CSHB 2419** (by Coleman), A bill to be entitled An Act relating to charity care requirements for certain hospitals.

**HB 2421** (by Hawley, et al.), A bill to be entitled An Act relating to establishing a program to recruit rural medical students for service in rural communities.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Uresti, Representative Hawley offered the following committee amendment to **HB 2421**:

Amend **HB 2421** as follows:

- (1) On page 1, line 20, strike "medical school".
- (2) On page 1, line 20, after "students" insert "interested in studying medicine".
- (3) On page 1, line 21, between "to" and "return" insert "enroll in medical school and to".
- (4) On page 2, line 4, strike "establish a rural medicine" and substitute "promote and sponsor rural electives in medical school".

Amendment No. 1 was adopted without objection.

**CSHB 2423** (by Hawley, et al.), A bill to be entitled An Act relating to the designation of a hospital as a rural hospital.

**SB 1498** (Goodman - House Sponsor), in lieu of **HB 2476**, A bill to be entitled An Act relating to authorizing a recreational facility fee at The University of Texas at Arlington.

Representative Goodman moved to lay **HB 2476** on the table subject to call.

The motion prevailed without objection.

**CSHB 2482** (by Kitchen and Thompson), A bill to be entitled An Act relating to stabilization of long-term care insurance premium rates.

**HB 2492** (by Bosse), A bill to be entitled An Act relating to the state employee incentive and productivity program.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Wolens, Representative Bosse offered the following committee amendment to **HB 2492**:

Amend **HB 2492** as follows:

On page 2, line 3, strike "\$100" and substitute "[~~\$100~~"]".

Amendment No. 1 was adopted without objection.

**HB 2558** (by Maxey and Janek), A bill to be entitled An Act relating to the amount of the fees established by the Texas State Board of Medical Examiners. (Corte, Heflin, and Shields recorded voting no)

**HB 2574** (by Solis, et al.), A bill to be entitled An Act relating to the establishment of a community health center revolving loan fund program.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Uresti, Representative Solis offered the following committee amendment to **HB 2574**:

Amend **HB 2574**, on page 5, line 11, by striking "perform" and substituting "require".

Amendment No. 1 was adopted without objection.

**HB 2588** (by Counts), A bill to be entitled An Act relating to the consideration of potential water savings under a water conservation plan in determining the manner of distributing water during a shortage from a water supply covered by a plan.

**HB 2593** (by Chavez and Solis), A bill to be entitled An Act relating to the establishment of a pilot program by the Texas Workforce Commission for technology training for certain persons.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Luna, Representative Chavez offered the following committee amendment to **HB 2593**:

Amend **HB 2593** as follows:

On Page 1, Line 8, strike "shall" and insert "may".

On Page 1, Line 9, strike "shall" and insert "may".

On Page 1, Line 17, strike "(3) do not speak English as their primary language."

On Page 1, Line 18, strike "shall" and insert "may".

On Page 1, Line 23, strike "from money appropriated to the commission and".

On Page 2, Line 1, strike "the Texas Education Agency,".

On Page 2, Line 4, strike "shall" and insert "may".

Amendment No. 1 was adopted without objection.

**CSSB 834** (Chavez - House Sponsor), in lieu of **HB 2594**, A bill to be entitled An Act relating to electronic access to health and human services information.

Representative Chavez moved to lay **HB 2594** on the table subject to call.

The motion prevailed without objection.

**CSHB 2613** (by Hochberg), A bill to be entitled An Act relating to the payment and funding of worker's compensation benefits for certain claimants who work part-time or have multiple employment. (Corte and Heflin recorded voting no)

**SB 1113** (Homer - House Sponsor), in lieu of **HB 2633**, A bill to be entitled An Act relating to the application of the professional prosecutors law to and the compensation of the county attorney of Rains County.

Representative Ramsay moved to lay **HB 2633** on the table subject to call.

The motion prevailed without objection.

**HB 2643** (by Morrison), A bill to be entitled An Act relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Crossroads Groundwater Conservation District.

**HB 2648** (by Capelo), A bill to be entitled An Act relating to the administration of epinephrine by certain emergency medical services personnel.

**CSHB 2665** (by Oliveira), A bill to be entitled An Act relating to the duties and powers of the Southmost Regional Water Authority.

**HB 2679** (by Capelo), A bill to be entitled An Act relating to the authority of the judges of the county courts at law in Nueces County to impanel general jury panels for service in certain courts.

**HB 2681** (by Allen), A bill to be entitled An Act relating to the authority of certain municipalities to use hotel occupancy tax revenue for certain venue projects.

**HB 2683** (by Allen), A bill to be entitled An Act relating to public improvement projects to enforce deed restrictions and perform architectural control.

**CSHB 2696** (by Hinojosa), A bill to be entitled An Act relating to the duties of peace officers, law enforcement agencies, and attorneys representing the state in asset forfeiture proceedings.

**CSHB 2718** (by R. Lewis), A bill to be entitled An Act relating to the recovery of certain relocation costs by a gas utility.

**HB 2729** (by Gray, Homer, et al.), A bill to be entitled An Act relating to allowing the donation of certain unused prescription drugs to charitable medical clinics.



**Amendment No. 1 (Committee Amendment No. 1)**

Representative Gray offered the following committee amendment to **HB 2729**:

Amend **HB 2729** as follows:

Amend Sec. 431.322(a) on page 1, line 12, to add "licensed" before "convalescent" and, on page 1, line 13 to add "licensed" before "hospice".

Amend Sec. 431.322(b) on page 1, line 17 by inserting "established by the board" after "safeguards" and before "to".

Amendment No. 1 was adopted without objection.

**HB 2731** (by Gray), A bill to be entitled An Act relating to a proceeding to declare heirship.

**SB 1680** (J. Davis - House Sponsor), in lieu of **HB 2747**, A bill to be entitled An Act relating to audits of the promotion and development fund of a navigation district.

Representative J. Davis moved to lay **HB 2747** on the table subject to call.

The motion prevailed without objection.

**CSHB 2757** (by Ritter), A bill to be entitled An Act relating to the designation of certain land that includes a greenhouse as agricultural land for ad valorem tax appraisal purposes.

**HB 2760** (by B. Brown), A bill to be entitled An Act relating to the resolution of disputes arising under interlocal cooperation contracts.

**HB 2767** (by Delisi), A bill to be entitled An Act relating to the notice regarding sales of cigarettes and tobacco products given by a retailer to its employees.

**HB 2778** (by Farabee), A bill to be entitled An Act relating to the membership of the interagency work group on unfunded mandates on political subdivisions.

**CSHB 2782** (by Villarreal), A bill to be entitled An Act relating to the authority of the commissioners court of a county to impose an application fee to be paid in connection with an application or request for county ad valorem tax abatement.

**CSHB 2798** (by Menendez and Martinez Fischer), A bill to be entitled An Act relating to certain civil and criminal consequences of using a vehicle while evading arrest or detention.

**HB 2804** (by Kolkhorst), A bill to be entitled An Act relating to certain instruments recorded to create liens on property or to show satisfaction of a judgment.

**HB 2818** (by Counts), A bill to be entitled An Act relating to the maximum inmate population of facilities operated by municipalities.

**SB 994** (Smithee - House Sponsor), in lieu of **HB 2829**, A bill to be entitled An Act relating to loss control requirements for certain lines of insurance.

Representative Smithee moved to lay **HB 2829** on the table subject to call.

The motion prevailed without objection.

**CSHB 2830** (by Smithee), A bill to be entitled An Act relating to unauthorized insurance.

**CSHB 2831** (by Smithee), A bill to be entitled An Act relating to notification to certain health care providers of the factors considered by a managed care entity in determining the amount of reimbursement for an out-of-network provider.

**CSHB 2832** (by Smithee), A bill to be entitled An Act relating to requiring tax collectors to notify taxpayers of certain overpayments of ad valorem taxes and to issue refunds of certain duplicate payments of ad valorem taxes.

**HB 2833** (by Grusendorf), A bill to be entitled An Act relating to the application of the sales tax to services provided in connection with certain foreclosure sales.

**HB 2839** (by Dukes), A bill to be entitled An Act relating to energy efficiency programs developed by the energy office.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Carter, Representative Thompson offered the following committee amendment to **HB 2839**:

Amend **HB 2839** as follows:

1) On page 9, line 21, strike "General Services Commission" and substitute "Comptroller of Public Accounts".

2) On page 10, lines 4-5, strike "General Services Commission" and substitute "Comptroller of Public Accounts".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

On behalf of Representative Dukes, Representative Thompson offered the following amendment to **HB 2839**:

Amend **HB 2839** on page 5 by striking lines 8-11 and substituting the following:

(1) establish baseline standards that are consistent with the International Energy Conservation Code for residential buildings;

Amendment No. 2 was adopted without objection.

**CSHB 2844** (by G. Lewis), A bill to be entitled An Act relating to authorizing the Texas Department of Health to exempt certain projects from rules relating to asbestos abatement.

**CSHB 2855** (by Kuempel), A bill to be entitled An Act relating to the ratification of the creation of and to the administration, powers, duties, operation, taxing authority, and financing of the Southeast Trinity Groundwater Conservation District.

**HB 2859** (by Junell), A bill to be entitled An Act relating to authorizing the Texas Board of Criminal Justice to grant a conservation easement covering certain state property.

**CSHB 2863** (by Farabee), A bill to be entitled An Act relating to the threshold contract amount at which a county and certain municipalities are required to engage in a competitive purchasing procedure for certain purchases.

**HB 2890** (by McClendon), A bill to be entitled An Act relating to the creation of an offense prohibiting certain persons in custody from contacting their victims.

**CSSB 1154** (Hawley - House Sponsor), in lieu of **HB 2909**, A bill to be entitled An Act relating to information included on the Internet website of the Texas Department of Transportation.

Representative Hawley moved to lay **HB 2909** on the table subject to call.

The motion prevailed without objection.

**CSHB 2914** (by Bonnen), A bill to be entitled An Act relating to state fiscal matters.

**CSHB 2932** (by G. Lewis), A bill to be entitled An Act relating to a discount on the premium surcharge for a motor vehicle equipped with a breath alcohol detection device.

**HB 2982** (by Corte), A bill to be entitled An Act relating to disclosure on hotel bills of the governmental entities imposing the hotel occupancy tax.

**CSSB 874** (Callegari and Bonnen - House Sponsors), in lieu of **HB 2996**, A bill to be entitled An Act relating to the authority of certain political subdivisions to require bidders to attend pre-bid conferences as a condition for accepting a bid.

Representative Callegari moved to lay **HB 2996** on the table subject to call.

The motion prevailed without objection.

**HB 3000** (by Uresti), A bill to be entitled An Act relating to the authority of a criminal law magistrate in Bexar County to rule on an issue of law or fact.

**HB 3006** (by Uresti), A bill to be entitled An Act relating to composition of the board of directors of a tax increment reinvestment zone.

**HB 3017** was withdrawn. Pursuant to Rule 6, Section 24, **HB 3017** was returned to the Committee on Calendars.

**HB 3019** (by Chisum), A bill to be entitled An Act relating to the eligibility for ad valorem tax abatement of property that is the subject of a voluntary cleanup agreement.

**CSHB 3023** (by Chisum), A bill to be entitled An Act relating to water quality permit applications for certain facilities located near a sole-source drinking water supply.

**HB 3043** (by Luna), A bill to be entitled An Act relating to prevention and detection of fraud in hospital district funded indigent health care programs.

**HB 3076** (by Smithee), A bill to be entitled An Act relating to the designation of a portion of Business United States Highway 287 as the L. P. "Pete" Gilvin Memorial Highway.

**HB 3095** (by Counts), A bill to be entitled An Act relating to the governing body and powers of the Salt Fork Water Quality District.

**CSHB 3111** (by Zbranek), A bill to be entitled An Act relating to occupational licenses and registrations issued by the Texas Natural Resource Conservation Commission.

**CSHB 3178** (by Solis, Homer, and Edwards), A bill to be entitled An Act relating to the requirement that certain persons associated with development corporations complete a training seminar on the operation and administration of development corporations; providing an administrative penalty.

**CSHB 3194** (by Howard), A be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Fort Bend County Levee Improvement District Number 16 and to the authorization of bonds and the levy of taxes; providing civil penalties.

**CSHB 3195** (by Howard), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Fort Bend County Municipal Utility District Number 134 and to the authorization of bonds and the levy of taxes; providing civil penalties.

**HB 3231** (by Morrison), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the DeWitt County Groundwater Conservation District.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative T. King, Representative Morrison offered the following committee amendment to **HB 3231**:

**HB 3231** is amended by striking the language on page 3, lines 5-6 of the bill and substituting the following:

- (2) Gary Colman, Precinct Two
- (3) Peggy Laging, Precinct Three

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative T. King, Representative Morrison offered the following committee amendment to **HB 3231**:

Amend **HB 3231** as follows:

On page 4, line 13, insert "of the district" after the word "election" and before the word "after".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Morrison offered the following amendment to **HB 3231**:

Amend **HB 3231** (Committee printing) as follows:

(1) On page 1, line 7, strike "DeWitt County" and substitute "Pecan Valley".

(2) On page 1, line 15, strike "DeWitt County" and Substitute "Pecan Valley".

Amendment No. 3 was adopted without objection.

**HB 3258** (by Green), A bill to be entitled An Act relating to the service areas of certain public junior colleges.

**HB 3327** was withdrawn.

**HB 3338** (by Flores), A bill to be entitled An Act relating to the number of sets of special license plates that may be issued to a person with a disability.

**HB 3359** (by Corte, McClendon, Puente, et al.), A bill to be entitled An Act relating to the designation of a part of U.S. Highway 90 in Bexar County as the 90th Infantry Division Memorial Highway.

**HB 3378** (by Deshotel), A bill to be entitled An Act relating to composition of the Texas Department of Mental Health and Mental Retardation.

**HB 3384** was withdrawn.

**HB 3387** (by Dunnam), A bill to be entitled An Act relating to the disposition of public property in a defense economic readjustment zone.

**CSHB 3393** (by Oliveira), A bill to be entitled An Act relating to the adoption and use of certain consumer information materials in Spanish regarding personal automobile insurance coverage.

**HB 3460** was withdrawn.

**CSHB 3463** (by Smith), A bill to be entitled An Act relating to a school district's release of certain records.

**HB 3465** (by Maxey), A bill to be entitled An Act relating to certain fees prescribed by the Texas Board of Health for the regulation of opticians.

**CSHB 3467** (by Hartnett), A bill to be entitled An Act relating to a proceeding concerning a decedent's estate.

**HB 3479** was withdrawn.

**HB 3497** was withdrawn.

**CSHB 3526** (by Hochberg), A bill to be entitled An Act relating to the use of estimated property values in preparing the public notice provided by school districts before adopting a proposed budget and tax rate.

**CSHB 3543** (by Hilderbran), A bill to be entitled An Act relating to the name, elections, duties, powers, operation, and financing of the Headwaters Underground Water Conservation District.

**CSHB 3600** (by Capelo), A bill to be entitled An Act relating to the confidentiality of records regarding the compliance monitoring of physicians by the Texas State Board of Medical Examiners.

**HB 3608** was withdrawn.

**HB 3628** (by Green), A bill to be entitled An Act relating to the validation of the creation and to the administration, powers, duties, operation, and financing of the Hays County Water Control and Improvement District No. 1 and the provision of certain services in the district.

**HB 3629** (by Green), A bill to be entitled An Act relating to the validation of the creation and to the administration, powers, duties, operation, and financing of the Hays County Water Control and Improvement District No. 2 and the provision of certain services in the district.

**HB 3630** (by Thompson), A bill to be entitled An Act relating to the Health Insurance Risk Pool.

**CSHB 3632** (by Farabee), A bill to be entitled An Act relating to the jurisdiction of a county court at law in Wichita County.

**CSHB 3633** (by Hope), A bill to be entitled An Act relating to the operation of the East Montgomery County Improvement District.

**HB 3637** (by Hilderbran), A bill to be entitled An Act relating to the County Court at Law of Burnet County.

**HB 3643** (by Seaman), A bill to be entitled An Act relating to the creation of the County Court at Law of Aransas County and to the jurisdiction of the County Court of Aransas County.

**HB 3648** (by Hope), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the East Montgomery County Municipal Utility District No. 3.

**HB 3653** (by Ritter), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Jefferson County Waterway and Navigation District and the merger of the Jefferson County Navigation District with that district.

**HB 3659** (by Counts), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Wes-Tex Groundwater Conservation District.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Counts offered the following committee amendment to **HB 3659**:

Amend **HB 3659** as follows:

(a) On page 4, line 19, insert "of the district" after the word "election" and before the word "after".

(b) On page 5, line 15, strike "first even-numbered" and insert "second".

Amendment No. 1 was adopted without objection.

**SB 1789** (Smithee - House Sponsor), in lieu of **HB 3660**, A bill to be entitled An Act relating to the appointment of a public defender by the Commissioners Court of Randall County.

Representative Smithee moved to lay **HB 3660** on the table subject to call.

The motion prevailed without objection.

**CSHB 3663** (by Thompson), A bill to be entitled An Act relating to the jurisdiction of a county criminal court at law in Harris County.

**HB 3665** (by Miller), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Cross Timbers Groundwater Conservation District.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Counts, Representative Miller offered the following committee amendment to **HB 3665**:

Amend **HB 3665** as follows:

- 1) On page 1, line 9, between the comma and "and" insert "Hamilton".
- 2) On page 1, line 20, between the comma and "and" insert "Hamilton".
- 3) On page 3, line 6, between the comma and "and" insert "Hamilton".

Amendment No. 1 was adopted without objection.

**HB 3666** (by Miller), A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Erath County.

**HB 3670** (by D. Jones), A bill to be entitled An Act relating to the election and qualifications of directors of the Lubbock County Water Control and Improvement District No. 1.

**HB 3675** (by Bonnen), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Brazoria County Groundwater Conservation District.

**HB 3676** (by Chisum), A bill to be entitled An Act relating to the board of directors and the taxing authority of the Collingsworth County Underground Water Conservation District.

**HB 3677** (by Christian), A bill to be entitled An Act relating to the composition of the Nacogdoches County Juvenile Board.

**HB 3678** (by Gray), A bill to be entitled An Act relating to the creation of an additional statutory county court in Galveston County and to the administration, operation, and jurisdiction of the statutory courts in that county.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Gray, Representative Thompson offered the following committee amendment to **HB 3678**:

Amend **HB 3678** as follows:

- (1) On page 4, strike lines 14-22 and substitute the following:

(l) Each reporter may be made available when not engaged in proceedings in their court to report proceedings in all other courts ~~a jury trial to report jury trials in the following manner:~~

~~[(1) the reporter of the Probate Court of Galveston County may report jury trials in the county and, at the request of the district attorney, examining trials in the justice courts; and~~

~~[(2) the reporters of the County Courts Nos. 1 and 2 of Galveston County may report cases in the Probate Court of Galveston County].~~

Amendment No. 1 was adopted without objection.

**CSHB 3680** (by Miller), A bill to be entitled An Act relating to the dissolution of the DeLeon Hospital District and the Comanche County Hospital District and the creation of the Comanche County Consolidated Hospital District.

**HB 3682** (by Alexander), A bill to be entitled An Act relating to the creation, administration, powers and duties of the NTM Improvement District; providing authority to impose taxes and issue bonds.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative R. Lewis, Representative Alexander offered the following committee amendment to **HB 3682**:

Amend **HB 3682** as follows:

On page 17, line 1, strike subsection 8(a).

Renumber subsequent subsections.

Amendment No. 1 was adopted without objection.

**HB 3687** (by Green), A bill to be entitled An Act relating to the operation of the Nixon Hospital District of Gonzales and Wilson Counties, Texas, and the DeWitt Medical District.

**HB 3692** (by Coleman), A bill to be entitled An Act relating to the creation of the Greater Southeast Management District; providing authority to impose a tax and issue bonds.

**HB 3694** (by Solis), A bill to be entitled An Act relating to an annual salary supplement paid by Cameron County to the local administrative district judge in Cameron County.

**HB 3699** (by Ritter and Deshotel), A bill to be entitled An Act relating to relating to the allocation of certain funds for institutions within the Texas State University System.

**CSHCR 41** (by Hawley), Designating the city of Kenedy as the Horned Lizard Capital of the World.

**HCR 102** (by Brimer), Designating the week of May 20-26, 2001, as Make an Impact Week.

**CSHCR 138** (by Wohlgemuth), Urging congress to provide Medicaid funds to Texas in the form of a block grant.

**HCR 202** (by R. Lewis), Directing the Health and Human Services Commission to redesignate the Doctors Hospital of Groves from an urban hospital to a rural hospital.

**HCR 214** (by Chavez and Gutierrez), Memorializing congress to establish a separate Federal Medical Assistance Percentage for the Texas-Mexico border region.



**Amendment No. 1 (Committee Amendment No. 1)**

Representative Wohlgemuth offered the following committee amendment to **HCR 214**:

Amend **HCR 214**, on page 1, line 23, by inserting "provider" between "per-recipient" and "reimbursement".

Representative Chavez moved to table Amendment No. 1.

The motion to table prevailed.

**HCR 217** (by Madden), Recognizing children born outside of Texas to native Texans serving in the United States Armed Forces as honorary Texans.

**CSHCR 223** (by Coleman), Directing the Texas Department of Health to prepare a list of foods and beverages fortified with calcium for use by each primary and secondary school in Texas.

**HCR 226** (by Williams, Woolley, Bonnen, et al.), Memorializing congress to modify the tax code to allow for the issuance of tax-exempt industrial revenue bonds for air pollution control facilities in nonattainment areas.

**HCR 235** (by Delisi), Commending the Women in Government organization and encouraging each state agency and state education institution to take action to achieve improved and equal access for women to health care.

**HCR 241** (by Chavez, P. Moreno, Haggerty, Pickett, and Najera), Designating El Paso as the International Gateway City of the Americas.

**HCR 245** (by Thompson and Chavez), Honoring Naomi Carrier Grundy and Allen Grundy for their efforts to document the Texas Underground Railroad and directing the Texas Historical Commission and the Texas Parks and Wildlife Department to support continued research on the Underground Railroad.

**HCR 249** (by Wohlgemuth), Encouraging Boeing to move its new corporate headquarters to the Dallas/Fort Worth area.

**HCR 254** (by Ramsay), Directing the Department of Protective and Regulatory Services in conjunction with the United Ways of Texas to develop a multiagency and local effort to study issues relating to at-risk youth in nonurban areas.

**HCR 256** (by Gallego), Memorializing congress to relocate the U.S. Border Patrol training academy to the southwest Texas border region.

**HR 556** (by Kuempel and P. King), Encouraging counties to establish an adopt-a-country road program similar to one in Parker County.

**SB 31** (Raymond and Naishtat - House Sponsors), A bill to be entitled An Act relating to providing information about bacterial meningitis to students of public schools and students of institutions of higher education.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative E. Reyna, Representative Raymond offered the following committee amendment to **SB 31**:

Amend **SB 31** by inserting on page 3, line 5 "make reasonable efforts to" between "shall" and "obtain"

Amendment No. 1 was adopted without objection.

**SB 36** (Raymond and Naishtat - House Sponsors), A bill to be entitled An Act relating to training for certain caseworkers employed by health and human services agencies or local mental health or mental retardation authorities.

**SB 55** (Raymond - House Sponsor), A bill to be entitled An Act relating to a statewide education program to prevent infant mortality.

**SB 72** (Solomons - House Sponsor), A bill to be entitled An Act relating to the titles of the presiding officers of the board of regents of Texas Woman's University.

**SB 76** (Farabee - House Sponsor), A bill to be entitled An Act relating to meetings of the board of regents of Midwestern State University.

**SB 83** (Uresti and Naishtat - House Sponsors), A bill to be entitled An Act relating to the regulation of intermediate care facilities for persons with mental retardation.

**SB 134** (Gallego - House Sponsor), A bill to be entitled An Act relating to the authority of a commissioners court of a county to make payroll deductions at the request of a county employee.

**SB 154** (Capelo and Driver - House Sponsors), A bill to be entitled An Act relating to a requirement that information about anatomical gifts be included in the curriculum of certain driver education and driving safety courses.

**SB 183** (Keffer - House Sponsor), A bill to be entitled An Act relating to the designation of Farm-to-Market Road 604 as the Atlas ICBM Highway.

**CSSB 203** (Keel - House Sponsor), A bill to be entitled An Act relating to the summoning of potential grand jurors.

**Amendment No. 1**

On behalf of Representative Sadler, Representative Talton offered the following amendment to **CSSB 203**:

Amend **SB 203** by adding an appropriately numbered SECTION to the bill to read as follows and renumbering the existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 19.01(b), Code of Criminal Procedure, is amended to read as follows:

(b) In lieu of the selection of prospective jurors by means of a jury commission, the district judge may direct that 20 to 125 [75] prospective grand

jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury in the same manner as provided for grand jurors selected by a jury commission.

Amendment No. 1 was adopted without objection.

**SB 274** (E. Jones - House Sponsor), A bill to be entitled An Act relating to the contracting authority of, authorized uses for tax proceeds by, and eligibility for participation in tax increment financing of Bexar County Hospital District and Harris County Hospital District.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Ramsay, Representative E. Jones offered the following committee amendment to **SB 274**:

Amend **SB 274** as follows:

on line 1-11, after the last word of "Bexar County Hospital District" add ", Nueces County Hospital District, El Paso County Hospital District or"

Sec. 281.095. PROHIBITION AGAINST PARTICIPATION IN TAX INCREMENT FINANCING BY CERTAIN HOSPITAL DISTRICTS. (a) In this section, "district" means Bexar County Hospital District, Nueces County Hospital District, El Paso County Hospital District or Harris County Hospital District.

Amendment No. 1 was adopted without objection.

**SB 289** (Morrison - House Sponsor), A bill to be entitled An Act relating to the exemption of small hydroelectric facilities from water quality management and watermaster fees.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative T. King, Representative Morrison offered the following committee amendment to **SB 289**:

Amend **SB 289** as follows:

(1) Strike SECTION 1 of the bill on page 1, beginning on line 5 of the enrolled version and substitute the following:

SECTION 1. Section 11.329, Water Code, is amended by adding Subsection (g) to read as follows:

(g) The commission may not assess costs under this section against a holder of a non-priority hydroelectric right that owns or operates privately-owned facilities that collectively have a capacity of less than two megawatts. This subsection is not intended to affect in any way the fees assessed on a water right holder by the commission under Chapter 626 1.29(d), Acts of the 73rd Legislature, Regular Session, 1993. For purposes of Chapter 626 1.29(d), Acts of the 73rd Legislature, Regular Session, 1993, a holder of a non-priority hydroelectric right that owns or operates privately-owned facilities that collectively have a capacity of less than two megawatts shall be assessed fees at the same rate per acre-foot charged to a holder of a non-priority

hydroelectric right that owns or operates privately-owned facilities that collectively have a capacity of more than two megawatts.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative R. Lewis, Representative Morrison offered the following committee amendment to **SB 289**:

Amend **SB 289** as follows:

(a) On page 1, line 21, insert "privately-owned" between "operates" and "facilities".

(b) On page 2, line 7, insert "privately-owned" between "operates" and "facilities".

Amendment No. 2 was adopted without objection.

**SB 509** was previously passed.

**CSSB 575** (Sadler - House Sponsor), A bill to be entitled An Act relating to applicability of the Texas Youth Camp Safety and Health Act to a private or independent institution of higher education.

**SB 634** (Gray and Seaman - House Sponsors), A bill to be entitled An Act relating to the authority of certain counties to prohibit glass products on public beaches.

**SB 649** was withdrawn.

**SB 660** (Gutierrez - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of barbering.

**Amendment No. 1**

Representative Gutierrez offered the following amendment to **SB 660**:

Amend **SB 660** (House Committee Printing, page 5, line 5) in SECTION 9 of the bill by striking "eight" and inserting "sixteen".

Amendment No. 1 was adopted without objection.

**SB 661** (E. Reyna - House Sponsor), A bill to be entitled An Act relating to certain entities and individuals permitted to exchange information regarding special needs offenders.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Haggerty, Representative E. Reyna offered the following committee amendment to **SB 661**:

Amend **SB 661** at page 2, line 23 by deleting the following language: "(Y) an attorney representing the state."

Amendment No. 1 was adopted without objection.

**SB 708** (Puente - House Sponsor), A bill to be entitled An Act relating to the retirement system for firefighters and police officers in certain municipalities.

**SB 833** (Naishtat - House Sponsor), A bill to be entitled An Act relating to child-care services.

**SB 908** (Isett - House Sponsor), A bill to be entitled An Act relating to the establishment of a program of all-inclusive care for the elderly (PACE).

**SB 1014** (Kolkhorst - House Sponsor), A bill to be entitled An Act relating to the service areas of certain junior college districts.

**SB 1095** (Ritter - House Sponsor), A bill to be entitled An Act relating to ad valorem taxation.

#### **Amendment No. 1**

Representative Ritter offered the following amendment to **SB 1095**:

Amend **SB 1095** as follows:

(1) On page 2, strike lines 19-23 and substitute:  
information pertaining to the property that the firm considered in appraising the property, including information showing each method of appraisal used to determine the value of the property and all calculations, personal notes, correspondence, and working papers used in appraising the property. This subsection does not apply to information made confidential by Section 22.27, except that the property owner or agent is entitled to inspect and copy any information relating to the owner's property, including otherwise confidential information.

(2) On page 2, strike line 24 and substitute "(d) The appraisal firm shall make information covered by".

(3) On page 3, line 6, strike "entity" and substitute "firm".

(4) On page 3, line 7, between "inspection" and "under Subsection (c)", insert "or copying".

(5) On page 3, line, strike "entity" and substitute "firm".

Amendment No. 1 was adopted without objection.

**SB 1159** (Raymond - House Sponsor), A bill to be entitled An Act relating to improving the provision of state veteran services.

**SB 1162** (Seaman and Gray - House Sponsors), A bill to be entitled An Act relating to prohibiting the operation of a vehicle on dunes; providing a criminal penalty.

**SB 1230** (Junell - House Sponsor), A bill to be entitled An Act relating to certain state agency operating plans and strategic plans for information resources management.

**SB 1355** (Brimer - House Sponsor), A bill to be entitled An Act relating to certain personal property that is presumed abandoned.

**SB 1629** (Puente - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of Cibolo Canyon Conservation and Improvement District No. 1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Puente offered the following committee amendment to **SB 1629**:

Amend **SB 1629** as follows:

On page 22, line 9, after "boundaries" insert a "." and strike the remainder of the sentence.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

Representative Puente offered the following committee amendment to **SB 1629**:

Amend **SB 1629** as follows:

On page 23, line 7, after "agreement." strike the remainder of the paragraph.

Amendment No. 2 was adopted without objection.

**SCR 10** (Chavez - House Sponsor), A bill to be entitled An Act memorializing congress to fund county and municipal inspections of overweight traffic within 20 miles of the border.

**SCR 17** (Hunter - House Sponsor), A bill to be entitled An Act authorizing the burial of Vernon "Max" Arrell and wife, Betty B. Arrell, in the State Cemetery.

**SCR 33** (Hardcastle - House Sponsor), A bill to be entitled An Act declaring Electra the Pump Jack Capital of Texas.

**SCR 43** (Villarreal - House Sponsor), A bill to be entitled An Act recognizing the importance of the facilities of the Pearl Brewing Company in San Antonio to Texas history.

**HR 956 - ADOPTED**  
**(by J. Moreno)**

Representative J. Moreno moved to suspend all necessary rules to take up and consider at this time **HR 956**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 956**, Honoring Phil "Fish" Fisher of Wilmer-Hutchins on his birthday.

**HR 956** was read and was adopted without objection.

On motion of Representative Wise, the names of all the members of the house were added to **HR 956** as signers thereof.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Civil Practices, upon first adjournment today, Desk 112, for a formal meeting, to consider pending business.

Public Safety, upon first adjournment today, Desk 141, for a formal meeting, to consider correction of minutes.

Insurance, upon first adjournment today, Desk 24, for a formal meeting, to consider pending business.

Public Health, upon first adjournment today, Desk 6, for a formal meeting, to consider pending business.

### **ADJOURNMENT**

Representative Grusendorf moved that the house adjourn until 11:30 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:16 a.m., adjourned until 11:30 a.m. today.

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### **ADDENDUM**

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#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 46**

**HB 317, HB 551, HB 1665, HCR 127, HCR 141, HCR 263**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

##### **MESSAGE FROM THE SENATE**

##### **SENATE CHAMBER**

Austin, Texas

Saturday, May 5, 2001

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 702** West, Royce

Relating to compensatory, intensive, and accelerated education in public schools.

**SB 1686** Jackson

Relating to the creation of the West Galveston Island Conservation District; providing the authority to impose taxes and issue bonds.

Respectfully,

Betty King  
Secretary of the Senate

